



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LUC VETS DIAMANT,

Plaintiff,

05 CV 2934 (WHP)

**DEFAULT
JUDGMENT**

AHARON AKUSH and DOE ENTITIES, 1-10,

Defendants.
-----X

This action having been commenced on March 17, 2005 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on the defendant, Aharon Akush ("Defendant") on or about March 25, 2006 by delivering to and leaving same with Defendant's wife, Lilach Akush, a person of suitable age and discretion, at Defendant's dwelling house, and subsequently mailing copies of same to Defendant at such address, and Defendant having answered the Complaint on May 4, 2005, and

The parties having completed discovery, submitted a joint pretrial order, and appeared for a final pretrial conference, and the Court having set a bench trial date of May 15, 2006; and

Defendant having stopped communicating with his attorneys shortly before trial and counsel for defendant, Ochs & Goldberg LLP, having been unable to reach Defendant after April 19, 2006, the date of the final pretrial conference held in this matter, and,

Defendant's attorneys having accordingly made a motion to withdraw on or about May 9, 2006, and the Court having granted such application, and stayed the action until July 17, 2006 in order for Defendant to appear through new counsel, or proceed *pro se*;

Defendant having failed to retain and appear through new counsel or notify the Court, its prior counsel, or Plaintiff of its intention to proceed *pro se* and having failed to respond to attempts to communicate with him; and thus having defaulted in this action, it is hereby

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant in the liquidated amount of **\$940,087.14**, representing the sum of (a) \$838,139.99, the principal amount sought in this action, with (b) \$24,179.76 interest thereon at 9% from March 17, 2005 through July 12, 2005, (c) \$77,334.06 interest on \$790,006.53 (the amount of the underlying claim as reduced by a \$48,133.46 payment made on or about July 12, 2005) at 9% from July 13, 2005 through August 14, 2006, amounting to \$939,653.81, plus (d) costs and disbursements of this action in the amount of \$433.33.

Dated: New York, New York
December 27, 2006



U.S.D.J.